(a) whether Government is launching a consensus-based action, to tighten the demarcation line separating the functions of the three organs of democracy-legislature, executive and judiciary;

(b) if so, the salient features of such an action plan; and

(c) whether the provisions of the Constitution are sufficient to effectively plug such breaches, which, of late, are happening frequently?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) and (b) No, Sir.

Provisions of Constitution of India envisage complete separation of three organs of State *i.e.* Legislature, Executive and Judiciary. By and large, these democratic institutions are functioning in their demarcated areas.

(c) Yes, Sir.

Conference on Gram Nyayalayas Bill

4064. DR. T. SUBBARAMI REDDY: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Ministry had called for a conference of State Law Ministers, Law Secretaries of States and the Registrars General of High Courts, to discuss the Gram Nyayalayas Bill, 2007;

(b) if so, whether the aim was to find out how Gram Nyayalayas can be set up in the country;

(c) if so, what was the outcome of the discussions held;

(d) what were the recommendations made; and

(e) by when a final decision in this regard is likely to be taken?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) and (b) Yes, Sir.

(c) and (d) In the Conference of Law Ministers and Law Secretaries and Registrar Generals of High Courts held on 1st February, 2008, the provisions of the Gram Nyayalayas Bill, 2007 introduced in Rajya Sabha on 15th May, 2007 were discussed at length. There was broad agreement in the Conference to the establishment of Gram Nyayalayas.

(e) In the light of the recommendations of the Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice and the above said Conference, the Government has approved the proposal for introduction of the Gram Nyayalayas Bill,2008 and to withdraw the Gram Nyayalayas Bill, 2007.

Accountability of judges

4065. DR. K. MALAISAMY: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether, as per the existing system and practice, there is any possibility of accountability of judges in their style of functioning;

(b) if not, what can be the due device for such accountability and the policy of Government in this regard;

(c) what is the existing system to find out and monitor the evil of corruption prevailing in judiciary; and

(d) whether there has been a survey to ascertain whether corruption in judiciary is on the increase or on the decline?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) to (c) Judiciary in India has functioned independently and enjoys public confidence. The complaints regarding corruption in higher judiciary are dealt with by their peers. The Supreme Court in their Full Court meeting held on May 7, 1997, resolved to devise an in-house procedure to take suitable remedial action against Judges who, by their act of omission or commission, do not follow the universally accepted values of judicial life including those indicated in the "Restatement of Values of Judicial Life". Complaints received against the Judges of the Supreme Court and the High Courts are dealt with under "In-House" procedure.

The Government has, however, introduced the Judges (Inquiry) Bill, 2006 in the Lok Sabha on 19.12.2006 which seeks to devise a suitable legislative framework for empowering a judicial forum to deal with the complaints against Judges of the Supreme Court and High Courts.

As far as the District and Subordinate Courts are concerned, the respective High Courts are empowered to take cognizance of complaints against the members of the Subordinate judiciary.

(d) No, Sir.

Recruitment of judges

4066. DR. K. MALAISAMY: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether there would be a change from the existing system of direct recruitment of High Court Judges to a better system, based on merit and objectivity, instead of being mostly carried away by the political choice of the ruling State Government, as found at present; and

(b) whether there would not be a tinge of favouritism or tune of partiality in pronouncing verdicts by judges who were so appointed, to the persons or institutions through whom they were appointed?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) and (b) Pursuant to the Supreme Court Judgement of October 6, 1993 read with their Advisory Opinion of October 28, 1998, the process of initiation of proposal for appointment of Judges of the Supreme Court lies with the Chief Justice of India and for the High Court, it lies with the Chief Justice of that High Court.

As per the Memorandum of Procedure for appointment of Judges drawn on the basis of the said judgment, Judges are selected keeping in view their educational qualifications, nature and extent of practice, length of the practice the field of specialisation and professional income for the last three years. Besides this, the competence of the person, his judicial potential, temperament and integrity are also kept in mind. All this information, as also other